

# Calendar No. 1960

82D CONGRESS  
2d Session

SENATE

REPORT  
No. 2043

## JOSEPH MANCHION

JULY 1 (legislative day, JUNE 27), 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany H. R. 4842]

The Committee on the Judiciary, to which was referred the bill (H. R. 4842) for the relief of Joseph Manchion, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

#### AMENDMENTS

1. Page 2, line 3, strike out the word "court" and insert in lieu thereof the word "tort".
2. Page 2, line 3, after the period insert the following:

No part of the amount appropriated in this act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

#### PURPOSE

The purpose of the proposed legislation is to pay the sum of \$144.07 to Joseph Manchion, of 392 Pacific Avenue, Jersey City, N. J., in full settlement of all claims against the United States and satisfaction of a judgment rendered in Hudson County Court, No. 107556, entered on October 18, 1949, in favor of Dario A. Bogni, sustained as a result of a collision between a United States mail truck operated by said Joseph Manchion and an automobile operated by the said Dario A. Bogni on July 18, 1948.

## STATEMENT

The Post Office Department interposes no objection to the enactment of this measure.

On July 18, 1948, a mail truck operated by Joseph Manchion, substitute driver, and a private car owned and operated by Dario Bogni, of 903 New York Avenue, Union City, N. J., collided at the intersection of Park Avenue and Fourteenth Street in Hoboken, N. J.

Mr. Bogni was informed of his right to file a claim against the Department under the Federal Tort Claims Act, but he elected to institute suit against Mr. Manchion in the State district court and obtained a judgment for \$144.07, including costs, for damage to his vehicle. The Post Office Department in its report dated October 1, 1951, states as follows:

Although the court found that the driver of the mail truck was guilty of negligence, the investigation made by the post-office inspector raises some doubt as to whether the driver of the mail truck should be held responsible for the accident. In view of this fact and the further fact that the driver of the mail truck was operating the truck on official business and would not have been required to assume the cost of the damages resulting from the accident, had Mr. Bogni filed claim against the Government, this Department will interpose no objection to the enactment of this measure.

The committee is of the opinion that the bill is meritorious and recommends that it be considered favorably. House Report No. 2108 on H. R. 4842, Eighty-second Congress, is included herein by reference.